

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE**

JOHN M. CONSTANTINI, )  
on his own behalf and as administrator )  
of the estate of CHERYL A. CONSTANTINI, )  
Plaintiff, ) C.A. No. 05-680GMS  
v. )  
OPTIMUM CHOICE, INC. )  
Defendant. )

**STIPULATION OF DISMISSAL**

Plaintiff John M. Constantini (on his own behalf and as administrator of the estate of Cheryl A. Constantini) and defendant Optimum Choice, Inc. hereby stipulate and agree, pursuant to Federal Rule of Civil Procedure 41(a)(1), that this action is dismissed with prejudice, with each party to bear its own costs.

MURPHY SPADARO & LANDON

/s/ John S. Spadaro  
John S. Spadaro, No. 3155  
1011 Centre Road, Suite 210  
Wilmington, DE 19805

Attorneys for plaintiff  
John M. Constantini

STRADLEY RONON STEVENS &  
YOUNG, LLP

/s/ Maryanne T. Donaghy  
Maryanne T. Donaghy, No. 4213  
300 Delaware Avenue, Suite 800  
P.O. Box 2170  
Wilmington, DE 19899-2170

Attorneys for defendant  
Optimum Choice, Inc.

October 20, 2006

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE**

JOHN M. CONSTANTINI,	)	
on his own behalf and as administrator	)	
of the estate of CHERYL A. CONSTANTINI,	)	
	)	C.A. No. 05-680GMS
Plaintiff,	)	
	)	
v.	)	
	)	
OPTIMUM CHOICE, INC.	)	
	)	
Defendant.	)	

**NOTICE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

Maryanne T. Donaghy, Esq.  
Stradley Ronon Stevens & Young, LLP  
300 Delaware Avenue, Suite 800  
P.O. Box 2170  
Wilmington, DE 19899-2170

Respectfully submitted,

MURPHY SPADARO & LANDON

/s/ John S. Spadaro  
John S. Spadaro, No. 3155  
1011 Centre Road, Suite 210  
Wilmington, DE 19805  
(302) 472-8100

Attorneys for plaintiff John M. Constantini,  
on his own behalf and as administrator of the estate  
of Cheryl A. Constantini

October 20, 2006